REMARKS

It is submitted that these claims, as originally presented, are patentably distinct over the prior art cited by the Examiner, and that these claims were in full compliance with the requirements of 35 U.S.C. §112. Changes to these claims, as presented herein, are not made for the purpose of patentability within the meaning of 35 U.S.C. §101, §102, §103 or §112. Rather, these changes are made simply for clarification and to round out the scope of protection to which Applicant is entitled.

Claims 1-15 and new claims 16-18 are in the application.

Claims 1-15 were rejected under 35 U.S.C. 103(a) as being unpatentable over Chen et al. (U.S. Patent No. 6,275,536) in view of Pearlstein (U.S. Patent No. 5,691,986).

Independent claim 1 recites in part the following:

> "means for storing timing information indicating **a time** at
> which a packet, containing a second elementary stream
> forming the first multiplexed stream, appears in the
> multiplexed stream." (Emphasis ours.)

In explaining the above 103 rejection with regard to claim 1, the Examiner appears to assert that Chen and, in particular, lines 58-64 of column 8 thereof, discloses the above feature of claim 1. Although such portion of Chen mentions a temporal reference, it is submitted that such temporal reference may merely correlate to the order of frames or pictures (e.g., BBIBBPBB...) and is not specifically the same as timing information which indicates "a time" as in claim 1. Accordingly, it is respectfully submitted that claim 1 is distinguishable from the applied combination of Chen and Pearlstein.

For reasons similar to or somewhat similar to those previously described with regard to claim 1, independent claims 6 and 11 are also believed to be distinguishable from the applied combination of Chen and Pearlstein.

Claims 2-5, 7-10, and 12-15 are dependent from one of independent claims 1, 6, or 11 and, due to such dependency, are also believed to be distinguishable from the applied combination of Chen and Pearlstein for at least the reasons previously described.

New independent claims 16-18 are submitted herein.

New independent claim 16 recites in part the following:

> "receiving the first multiplexed stream and obtaining therefrom a first elementary stream and a second elementary stream, in which **the first elementary stream conforms to a MPEG (Moving Pictures coding Experts Group) 2 standard and the second elementary stream does not conform to the MPEG 2 standard**;
>
> ...
>
> obtaining **timing information indicative of a respective time** when each of a number of packets of the second elementary stream appears in the first multiplexed stream; and
>
> **multiplexing**, based on the timing information, **the number of first packets and the number of second packets** to generate the second multiplexed stream." (Emphasis added.)

It is respectfully submitted that Chen and Pearlstein as applied by the Examiner fail to specifically disclose the above features of claim 16. For similar or somewhat similar reasons, new independent claims 17 and 18 are also believed to be distinguishable from the applied combination of Chen and Pearlstein.

In the event, that the Examiner disagrees with any of the foregoing comments concerning the disclosures in the cited prior art, it is requested that the Examiner indicate where, in the reference or references, there is the basis for a contrary view.

In view of the foregoing amendments and remarks, it is believed that all of the claims in this application are patentable over the prior art, and early and favorable consideration thereof is solicited.

Please charge any fees incurred by reason of this response and not paid herewith to Deposit Account No. 50-0320.

Respectfully submitted,
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